

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 5, 1958
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, White, Mayor Miller

Absent: Councilman Pearson

Present also: W. Terrell Blodgett, Assistant City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by REV. W. G. BURKNER, St. Johns Methodist Church, 2140 Allandale Road.

Councilman White moved that the Minutes of May 29, 1958, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

The Council held a public hearing on a proposed Itinerant Vendors Ordinance. The City Attorney explained each section of the ordinance. Opposition was expressed as follows:

FULLER BRUSH COMPANY REPRESENTATIVE, MR. HERMAN NELSON, local, and Mr. Batey from San Antonio - They felt this ordinance would hurt honest direct sales, and keep salesmen out of the area; that University students were hired, and they own no taxable property, and would be penalized by this ordinance. This company would lose their salesmen, by requiring them to pay the \$25.00, the \$1,000 bond, and have to be fingerprinted. This Company polices its own salesmen.

MR. ROSS GAULT, Attorney, representing the National Association of Direct Sales People, opposed the ordinance as it would be an enforcement problem; that it is discriminatory; limits competition. If this ordinance were passed here, he stated the surrounding cities would follow suit, and this type of sales would be

prevented. If the ordinance were violated, there would be no penalty, as many that would be regulated are handicapped people. The direct sales system is a part of the economy. The ordinance would affect bakeries, milk deliverers, newspaper boys. He asked that steps be taken to keep business good in Austin, as it is now, and that this ordinance not be passed.

MRS. SHIRLEY DIMMITT, Fashion director, saleslady of costume jewelry, spoke representing the handicapped people who were selling brooms, needles, etc., who just did not have \$25.00 for the permit, and who have no other means of making a living.

MRS. ETHEL BECKER, STANLEY HOME PRODUCTS, stated homemakers, mothers, and students, residents outside the city limits, would be prohibited from their sales work by this ordinance.

MRS. RUTH NELSON, Child's World, Inc., Chicago, stated she was not a tax payer, but had spent her money in Austin. This ordinance would hurt her, she stated.

MR. CURTIS LACEY, West Bend Aluminum, home owner, and not affected by the Ordinance, but would affect his independent dealers, as the more complicated the system, the harder it would be to sell. He stated people would be discouraged from going into the selling field, and that 61% of the nation's economy came from direct selling. His company sold about \$30,000 a month, and the warehouses were in Liberty, Texas, Salt Lake City and in Wisconsin.

MISS DOROTHY DANIEL, Beauty Counsellor, Inc., represented about 50 women some of whom would be affected by the ordinance, and they were opposed to the ordinance.

MR. BRUCE HAGEE, American Automobile Association, and former officer of the Light House for the Blind, opposed the ordinance, as he feared that many would be put out of work.

MRS. FLORENE EMKIN, Stanley Home Products, would be affected as she lived outside the city, and was not a tax payer, although her Company was a tax payer and was backing their independent salesmen. She had three children and could not work full time; and opposed the \$25.00 fee, and the requirement of being fingerprinted.

MR. ED STANLEY, Kirby Company, stated he hired 60% itinerant people. He referred to a statement made by the National B.B.B. in that complaints that they had over six months added up to 111,144; and that, 1.5% was attributed to direct selling people. Mr. Stanley's company had his inventory on the tax rolls here. He believed the ordinance to be unconstitutional.

MR. WALTER SAUDER, District Manager with Encyclopedia Britannica, believed that local people as well as itinerants could be dishonest, in their sales work. If local business men took good care of their customers and established a good reputation, the out-of-town companies would not have a chance. In 9 out of 10 cases ordinances like this have been turned down. It could mean 100's of dollars to the salesmen if a like ordinance were passed in surrounding towns.

- MR. JOHN MURTHA, President of the Austin Association of Life Underwriters, inquired if this applied to life insurance sales. The City Attorney explained that it applied to goods and merchandise.
- MRS. DOROTHY JONES, Avon, submitted a petition signed by people not interested in seeing the ordinance passed.
- MR. H. R. HELWEG, Alco Fence salesman, noted the City employed a good many people living out of the city, who did not pay taxes, and compared this with the ordinance requiring people to pay taxes to sell here.
- MR. DAVID BRASS, Field Enterprise Educational Corporation, out of Marshall Fields, believed people who rented and lived in Austin paid indirect taxes in their rent and other payments.
- MR. DELTON HEATH, Stork Brothers Nursery, felt there were just as many taxpaying crooks as out of town crooks. He felt the little people would be kept from making a living.
- MR. ED LOREY recommended that the Council not consider this ordinance at all in its present form, in that the laws of the United States permitted people to go from place to place to sell; and he objected to having to be fingerprinted and photographed, since the other merchants were not required to do such. If the ordinance were modified, he might be for it.
- MR. LEE DICKERSON, private citizen and an engineer, was interested in the matter and did not believe this ordinance would be of any help to many of the people.
- MR. DOYLE EADS, Nutrilite Foods, believed any kind of ordinance would complicate matters, and would gradually be changed and affect more people; that Nutrilite offered work opportunities to many people that business men could not--people over 55 years, and other people. Direct selling was good for the community.
- MISS BESS HINKLE, Stanley Home Products, opposed the necessity of being fingerprinted. Many people would not understand the necessity, as some would be fingerprinted, and those exempt would not be.
- MR. O'RAND, Americana Corporation, did not understand the exemption to those handling farm produce, poultry, etc., and their being placed in a separate category.
- MR. HAROLD DAVIS, Americana Corporation, did not understand the statement of the City Attorney in that any itinerant salesman could come in and register his brief case on the tax rolls and operate, and believed there were too many loopholes in the ordinance. His company policed their own activities.
- MRS. VIOLA MORTON welcomed salesmen long enough to see what they were selling. She had saved a lot by buying direct. She believed this ordinance would prohibit many from selling.

MR. PAUL BILLNITZER, World Book, stated he had 25 or 30 teachers selling; and they would not sell enough to pay the amount they would be required to pay under the ordinance.

MR. M. H. CROCKETT spoke in opposition.

One person stated the ordinance was backed by the B.B.B., but they were not to cautious when people registered with them. He believed this ordinance would defeat its purpose, and would cut down on the economy of the city.

MR. JEFF RAMSEY, member of B.B.B. and represented Watkins Products, who is set up as a training center for distributors, who are not property owners. Many problems are connected with this ordinance. Some of his salesmen are aged people. One sold his home after living here 50 years, and would be covered under this ordinance as he was not a taxpayer.

MRS. FLORA SANKEY, Stanley Home Products, lived outside the City limits; was 50 years old and had six children. This ordinance would apply to her, and she felt would put her out of business.

MR. FRANCES AMSLER stated there was a misapprehension about the ordinance as to down-town merchants' sponsoring this ordinance. Some of them had direct selling. The merchants' interests was in direct selling--not to stop it. If many salesmen would not be employed, the merchants' businesses would be affected.

Those speaking for the ordinance were:

MR. GILMORE WILLIAMS, owner of a photograph studio, favored the ordinance to protect people in businesses similar to his. An expenditure of \$25.00 for an out-of-towner, who enjoyed all the protection and conveniences provided by taxpayers would be a small sum for what he received.

MR. ALEXANDER, Alcoa Aluminum Corporation, commended the Council in taking this step, as this ordinance would not hurt anyone selling high class articles, but would limit unscrupulous salesmen.

MISS KATHERINE JACKSON, Stauffer Home Plan, had confidence that the Council would work something out that would be fair to everyone.

MAYOR MILLER announced that everyone had been heard, and that the Council would take no action today; that probably another public hearing would be held, and that if it were announced, everyone was welcomed. The City Attorney asked if anyone had any suggestions about this ordinance, to send them in writing to the City Clerk's Office.

During the hearing on this ordinance, the Mayor stated that the Council had kept the tax rate down for three years; and that it may be necessary to give the city employees another raise, and asked if the group would be in favor of increasing the wages of the people working for the city; and if they had to pay more taxes would they still be willing. The group replied that they would be willing.

MR. GARNET LEWIS and MR. ROPER appeared regarding the one-way traffic west on West 12th, west of the Bridge to Lamar, stating this would cut them off for the summer during the time the bridge was under construction. This was discussed, and it was worked out that a right-hand turn out of Shoal Creek Boulevard west, could be made. The Director of Public Works, the Traffic Engineer, and Mr. Lewis and Mr. Roper were to meet the next day to study this pattern, which was agreeable to them at this time. Later in the meeting, Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the free flow and expeditious handling of traffic under conditions existing at the locations described below require that traffic upon such street move only in a one-way direction, such locations and street being described as follows:

<u>STREET</u>	<u>FROM - TO</u>	<u>DIRECTION OF ONE-WAY MOVEMENT</u>
West 10th Street	Lamar Boulevard to West Avenue	Eastbound

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be and she is hereby authorized and directed to record this finding in Section 33.38 of the Traffic Register.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller

Noes: None

Absent: Councilman Pearson

MR. CHARLES H. KING, representing Local City Employees Union No. 754, on two grievances from City employees. The Mayor stated that the technicality of first going through the regular channels would be waived, as the City Manager was out of town on government duty. Mr. King's belief was that there was a misunderstanding of policy, and he referred to the former appearance of MR. WARREN before the Council on April 3, 1958. The grievance this time was the placing of stewards on night shifts after their appointment as stewards. This was in the Sanitation Section. Another request was clarification of policy as to calling on employees during working hours. The particular incident was the union representatives' being asked to leave the parking lot at the Sanitation Department at 6:45 A.M., whereas the employees did not start working until 7:30. The representatives did not feel they were interfering. The Director of Public Works reported on the transfers to the night shift--one, made at the request of the transferee; the other made in an effort to better conditions in connection with the employee and his relationship to other personnel. As to the use of the parking lots, it was stated the activities did interfere with the work of getting the trucks serviced and ready to get out on the routes. Discussion covered number of employees in the Sanitation Department (166), the advisability of the stewards' collecting the union dues from members rather than having the

dues mailed in; and the use of public property by the unions in contacting the employees. Councilman Long had no objections to the use of public property. The Mayor suggested using the mails, and telephone facilities for making the contacts; that anytime employees were contacted during working hours that it would be taking time from their duty. Mr. King filed a resolution signed by the local union which should place the union in compliance with the State law, and requesting that a grievance procedure be established. The petition was referred to the City Attorney. (Petition on file under EMPLOYEES - Union)

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE FOLLOWING:

- (1) LOTS 7, 8 AND 9, BLOCK B, STATESMAN ADDITION FROM "B" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;
- (2) A TRACT OF LAND FRONTING 80 FEET ON THE NORTH RIGHT OF WAY LINE OF SOUTH LAMAR BOULEVARD AT A POINT APPROXIMATELY 108 FEET NORTH OF THE NORTH RIGHT OF WAY LINE OF TREADWELL STREET, LOCALLY KNOWN AS 908-910 SOUTH LAMAR BOULEVARD FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT;
- (3) LOTS 1, 2, 3, AND 4, BLOCK 25, THE HIGHLANDS FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;
- (4) A TRACT OF LAND FRONTING APPROXIMATELY 108 FEET ON THE NORTH RIGHT OF WAY LINE OF SOUTH LAMAR BOULEVARD, LOCALLY KNOWN AS 2324-2330 SOUTH LAMAR BOULEVARD AND 2403-2405 BLUE BONNET LANE, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT;
- (5) LOTS 11 AND 12, BLOCK 8, GLEN WOOD ADDITION FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
- (6) A TRACT OF LAND FRONTING 400 FEET ON THE WEST RIGHT OF WAY LINE OF GROVER AVENUE AT A POINT APPROXIMATELY 375 FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF KOENIG LANE, LOCALLY KNOWN AS 5700-5732 GROVER AVENUE FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT;
- (7) TWO TRACTS OF LAND, THE FIRST OF WHICH FRONTS APPROXIMATELY 379.4 FEET ON THE EAST RIGHT OF WAY LINE OF BURNET ROAD AT A POINT 300 FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF ANDERSON LANE, FROM "A" RESIDENCE DISTRICT AND "GR" GENERAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT;
- (8) LOT 5, BLOCK A, LOMA LINDA, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT;
- (9) A TRACT OF LAND FRONTING 131.6 FEET ON THE EAST RIGHT OF WAY LINE OF SOUTH FIRST STREET AND 154.5 FEET ON THE SOUTH RIGHT OF WAY LINE OF EL PASO STREET, LOCALLY KNOWN AS

2801-2903 SOUTH FIRST STREET AND 517-521 EL PASO STREET, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (10) ONE TRACT OF LAND FRONTING 100 FEET ON THE SOUTH RIGHT OF WAY LINE OF EAST 5TH STREET AT A POINT APPROXIMATELY 133 FEET EAST OF THE EAST RIGHT OF WAY LINE OF SPENCER LANE, LOCALLY KNOWN AS 5005-5017 EAST 5TH STREET, FROM "D" INDUSTRIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (11) THREE TRACTS OF LAND, LOCALLY KNOWN AS 1515-1811 ANDERSON LANE; 7814-7818 AND 7815-7819 RUTGERS AVENUE; AND 7810-7812 AND 7811-7813 WOODROW AVENUE FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND (12) TWO TRACTS OF LAND, SAME BEING ALL OF LOT 11, BLOCK 2, UNIVERSITY PARK ADDITION AND THE REMAINING PARTS OF LOTS 1 AND 2, BLOCK A, PLAINVIEW HEIGHTS ADDITION, LOCALLY KNOWN AS 3709 EAST AVENUE AND 3800-3806 EAST AVENUE, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS

AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE FOLLOWING TWO TRACTS OF LAND; (a) A TRACT OF LAND FRONTING APPROXIMATELY 192 FEET ON THE EAST RIGHT OF WAY LINE OF BURNET ROAD AND APPROXIMATELY 271 FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF PASADENA DRIVE, LOCALLY KNOWN AS 7213-7227 BURNET ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, FROM "GR" GENERAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT; AND, (b) AN INTERIOR TRACT OF LAND HAVING DIMENSIONS OF APPROXIMATELY 291 FEET BY 150 FEET, LOCALLY KNOWN AS THE REAR OF 7205-7227 BURNET ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

The Assistant City Manager submitted the following:

"May 27, 1958

"W. T. Williams, Jr.
 City Manager
 City of Austin, Texas

"Dear Mr. Williams:

"Bids were received until 2:00 P.M., Tuesday, May 24, 1958 at the Office of Director of Water and Sewer Department for the Tannehill Branch Sanitary Sewer-Springdale Road to Manor Road, then publicly opened and read in the Second Floor Conference Room, Municipal Bldg., Austin, Texas.

"The following is a tabulation of bids received:

<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Austin Engineering Co.	\$127,977.93	220 Working Days
Joe Bland Construction Co.	142,781.50	180 Working Days
Karl B. Wagner Engineering and Construction Co.	148,836.90	250 Working Days
Capital Construction Co.	294,660.18	275 Working Days

"It is recommended that the contract be awarded to the Austin Engineering Co. on their low bid of \$127,977.93, with 220 Working Days.

"Yours truly,
Albert R. Davis, Director
Water and Sewer Department

S. A. Garza, Superintendent
Sanitary Sewer Division

APPROVED: W. T. Williams, Jr.
City Manager"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 24, 1958, for the construction of the Tannehill Branch Sanitary Sewer - Springdale Road to Manor Road; and,

WHEREAS, the bid of Austin Engineering Co. in the sum of \$127,977.93 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager, Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Austin Engineering Co. in the sum of \$127,977.93 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Austin Engineering Co.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING S. REUBEN ROUNTREE, JR.,
ACTING CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT

WITH NASH PHILLIPS AND CLYDE COPUS, JR.; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman

The Mayor announced that the ordinance had been finally passed.

The Assistant City Manager submitted the following:

"June 3, 1958

"Mr. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Mr. Williams;

"Bids were received until 2:00 P.M., Tuesday, June 3, 1958, at the office of the Director of Water and Sewer Department for the Stevenson Ave., Scenic Drive and Mathews Drive Water Main, then publicly opened and read in the Second Floor Conference Room, Municipal Bldg., Austin, Texas.

"The following is a tabulation of bids received:

"FIRM	"AMOUNT	WORKING DAYS
Karl Wagner Engineering Construction Co.	\$26,471.90	80
Austin Engineering Company	28,858.20	60
Joe Bland Construction Company	34,266.00	60

"It is recommended that the contract be awarded to the Karl Wagner Engineering and Construction Company on their low bid of \$26,471.90, with 60 working days.

"Yours Truly,
 (Sgd) Albert R. Davis
 Albert R. Davis, Director
 Water and Sewer Department
 (Sgd) Victor R. Schmidt, Jr.
 Victor R. Schmidt, Jr.
 Superintendent Water Distribution
 APPROVED: W. T. Williams, Jr.
 City Manager"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 3, 1958, for the installation of water mains in Stevenson Avenue, Scenic Drive and Mathews Drive; and,

WHEREAS, the bid of Karl Wagner Engineering Company in the sum of \$26,471.90 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent of Water Distribution of the City of Austin, and by the Acting City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Karl Wagner Engineering Company in the sum of \$26,471.90 be and the same is hereby accepted, and S. Reuben Rountree, Jr., Acting City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Karl Wagner Engineering Company.

The motion, seconded by Councilman Palmer, carried by the following vote:
 Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING A PORTION OF BRAZOS STREET; A PORTION OF EAST 13TH STREET AND THE EAST-WEST ALLEY TRAVERSING BLOCK 147, FROM SAN JACINTO TO BRAZOS STREET, ORIGINAL CITY OF AUSTIN, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, TO PUBLIC TRAVEL; RETAINING UTILITY EASEMENTS IN THE AREAS SO VACATED; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmér, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, R. L. Burney is the Contractor for the erection of a Marquee located at 204 West 6th Street and desires a portion of the sidewalk and street space abutting Lots 4 and 5, Block 71, of the Original City of Austin, Travis County, Texas, during the erection of the Marquee, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said R. L. Burney, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point in Lot 5 approximately 70 feet west of the west line of Colorado Street; thence in a southerly direction and at right angles to the center line of West 6th Street to a point 4 feet south of the north curb line; thence in a westerly direction and at parallels with the center line of West 6th Street approximately 25 feet to a point; thence in a northerly direction and at right angles to the center line of West 6th Street to the south line of Lot 4.

2. THAT the above privileges and allotment of space are granted to the said R. L. Burney, hereinafter termed "Contractor", upon the following express terms and conditions:

- (1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.
- (2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.
- (3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.
- (4) That "No Parking" signs shall be placed on the street side of the barricades.
- (5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.
- (6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.
- (7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.
- (8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.
- (9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than June 14, 1958.
- (10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.
- (11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.
- (12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion

of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that accrue to or brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Palmer, carried by the following vote:
 Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, pursuant to the provisions of paragraph (a), of Article V of the contract between the City of Austin and Travis County Water Control and Improvement District No. 14, the said District has requested approval by the City of the sale of bonds authorized by its Bond Order passed by the Board of Directors of said District on May 13, 1958, for the issuance of \$475,000.00 of bonds at interest rates not exceeding five (5%) per cent, per annum; and,

WHEREAS, it appears that such bonds proposed to be sold under such bond order meet the requirements of said contract between said City and said District; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City of Austin approve the sale of \$475,000.00 of the Bonds of Travis County Water Control and Improvement District No. 14 upon the terms and conditions prescribed by the Board of Directors of said District in its order therefor passed May 13, 1958.

The motion, seconded by Councilman Palmer, carried by the following vote:
 Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

Councilman Palmer moved that the proposal of Brown & Root to do the engineering design of the new Power Plant, be accepted, the amount not to exceed \$375,000. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
 Noes: None
 Absent: Councilman Pearson

The Assistant City Manager submitted plans for landscaping the grounds around the Auditorium, asking for a rerouting of Robert E. Lee Road. The Council informally agreed to go ahead with the rerouting of Robert E. Lee Road between South 1st Street and Dawson Road as submitted.

The Assistant City Manager submitted the following:

"June 5, 1958

"Mayor & City Council
City of Austin
Austin, Texas

"Re: Work to be accomplished under Ordinance
No. 580206A - Passed February 6, 1958

"In compliance with your directions given in the above ordinance, I file herewith my estimate of the cost of street improvements (curb, gutter and paving) on the following units set out in said Ordinance:

Contract No. 58-A-13

<u>"Unit</u>	<u>Curb & Gutter</u>	<u>Paving</u>	<u>Total</u>
58.6 Inglewood St.; NPL Manlove St. to WPL Summit St.	\$ 342.69	\$2182.55	\$ 2525.24
58.7 Manlove St.; NPL Inglewood St., N., to end of St.	694.88	1715.81	2410.69
58.8 Treadwell St.; EPL Kinney Ave. to WPL S. Lamar Blvd.	2037.59	7720.16	9764.27
58.10 Newming Ave.; NPL Park La. to SPL Academy Dr.	3786.67	7580.80	11367.47
58.11 Nellie St.; WGL Newton St. to WPL S. Cong. Ave.	626.08	2096.99	3333.42
58.12 Mariposa Dr.; EPL Kenwood Ave. to WGL Interr. Hwy.	3060.34	8310.25	12429.31

Contract No. 58-A-14

58.1 Clarkson Ave.; WPL Cherrywood Rd. to SPL E. 38 $\frac{1}{2}$ St.	2458.85	4379.83	9036.68
58.2 W. 49th St.; EGL Burnet Rd. to WPL Grover Ave.	2083.24	5408.29	7491.53
58.3 Woodrow Ave.; EGL Burnet Rd. to SPL W. 49th St.	427.79	364.67	792.46
58.4 West 37th St.; EPL Jackson Ave. to WPL Oakmont Blvd.	849.68	2208.50	3058.18
58.5 Stevenson Ave.; EPL Raleigh Ave. to EGL Schulle Ave.	791.01	2865.97	4182.98
58.9 Matthews Dr.; NPL Stevenson Ave. to NPL Gilbert St.	635.73	1685.54	2321.27
58.13 Lawton Ave.; NPL W. 35th St. to WPL Bull Cr. Rd.	1410.61	4797.20	6207.81
58.14 Hancock Dr.; WPL I. & G.N. R.R. to 61' E. of EPL Finley Drive	6574.24	21384.43	31148.67

58.15 W. 25th St.; EPL Lamar Blvd. to WPL San Gabriel St.	2547.99	11635.42	14183.41
58.17 W. 39th St.; EPL Oakmont Blvd. to WPL Bull Creek Rd.	228.39	1023.26	1251.65

"Yours very truly,
(Sgd) S. Reuben Rountree, Jr.
S. Reuben Rountree, Jr.
Director of Public Works"

"June 5, 1958

"Mayor & City Council
City of Austin
Austin, Texas

"Re: Work to be accomplished under Ordinance
No. 571205A - Passed December 5, 1957

"In compliance with your directions given in the above ordinance, I file herewith my estimate of the cost of street improvements (curbs, gutter and paving) on the following units set out in said Ordinance:

Contract No. 58-A-19

<u>"Unit</u>	<u>Curb & gutter</u>	<u>Paving</u>	<u>Total</u>
58.1 Shoal Cr. Blvd.; NPL Great Oaks Parkway to E. Edge of Hancock Branch Bridge	\$1977.83	\$6677.67	\$9427.00
58.2 E. 53rd St.; EPL Ave. F to Pgmt. in place E. of Middle Fiskville Rd.	4698.52	15019.40	19717.92
58.3 St. Johns Ave.; EPL Lamar Blvd to EPL W. Northerest Blvd.	4967.37	13676.96	28918.73
58.4 E. 38 $\frac{1}{2}$ St.; 111' W. of WPL Harmon Ave. to WPL Interregional Hwy.	1013.87	2778.04	3791.91
58.5 Cherrywood Rd. - N. Edge of Boggy Cr. Bridge to SPL E. 38th St.	970.15	3324.52	4502.67
58.6 W. 49th St. - EPL Bull Cr. Rd. to WPL Finley Dr.	496.10	1889.13	2385.23
58.7 Chicom St.; SPL E. 21st St. to SPL Manor Rd.	1588.90	5325.88	7169.43
58.8 Chestnut Ave.; NPL Rosewood Ave. to SPL Manor Rd.	12592.06	35943.93	51990.79

Contract No. 58-A-20

58.9 Holly St.; EPL Interr. Hwy. to WPL Mildred St.	13094.27	36291.30	56545.25
58.10 Chicom St.; NPL Holly St. to SPL E. 1st St.	3515.89	8921.28	13909.12
58.11 Comal St.; NPL Holly St. to SPL E. 1st St.	3426.06	8835.63	13593.49
58.12 Pedernales St.; NPL E. 1st St. to SPL E. 5th St.	3339.06	8681.48	14634.54
58.13 West Elizabeth; EPL Newton St. (s.) to WPL S. Cong. Ave.	1544.76	3999.06	5559.87

58.14 Eva St.; NPL W. Elizabeth St. to SPL W. Gibson St.	\$ 819.56	\$1806.10	\$ 2625.66
58.15 W. Gibson St.; EPL Newton St. to WPL S. Cong. Ave.	1043.93	2654.82	3698.75
58.16 Alameda Dr.; NPL E. Live Oak Dr. to NGL Mariposa Dr.	2773.39	7305.43	10078.82
58.17 Mariposa Dr.; EPL Alameda Dr. to WPL Rosedale Terrace	387.44	2437.88	2825.32
58.18 Milam Pl.; EPL Alameda Dr. to WPL Alta Vista Ave.	541.45	1510.62	2052.07
58.19 Rutherford Pl.; EPL Alameda Dr. to WPL Alta Vista Ave.	792.09	1987.81	2779.90
58.20 Avondale Rd.; EPL Travis Hgts. to WPL Kenwood Ave.	871.60	2637.80	3893.90

"Yours very truly,
(Sgd) S. Reuben Rountree, Jr.
S. Reuben Rountree, Jr.
Director of Public Works"

Councilman Long moved that the estimate of the Director of Public Works on paving Contracts, 58-A-19, and 58-A-20 (Passed Dec. 5, 1957) and under Contract 58-A-13 and 58-A-14 (Ordinance passed Feb. 2, 1958) be accepted and approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Miller
Noes: None
Absent: Councilman Pearson

The Mayor asked about the progress of the comparative wage study that was being made. The Assistant City Manager stated it would be ready by the last of this month. The Mayor stated interested people and tax payers, bankers, and Chamber of Commerce representatives had been asked about wage increases, and they thought the people ought to have an increase even if it did result in a tax increase, and that the Council was going to make a study of a wage increase.

The Director of Recreation appeared regarding activities in June, the National Recreation Month and 30th Anniversary of the Department. The following dates were noted:

Dedication Service of Northeast Park - June 26th
Special luncheon at the Lions Club - Stephen F. Austin Hotel at noon -
June 19th, Thursday
Evening tour of the City with Austin Youth Council and Park and
Recreation Board - June 25th

The Director of Public Works reported that the buttons and islands are being removed on South Congress, Monroe and Academy, South First, Riverside Drive, and Barton Springs Road, and that curbs are being constructed instead.

MR. REX KITCHENS appeared before the Council regarding a tract of land outside of the City limits, which he did not want to subdivide, but he had sold one site to his daughter, one to his sister and to a partner of his. He was directed to work out his problem with the City Attorney.

There being no further business, the Council adjourned at 4:30 P.M., subject to the call of the Mayor.

APPROVED Tom Miller
Mayor

ATTEST:

Elsie Wooley
City Clerk